DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Syllabi prepared by M. P. Burks, State Reporter.)

BATIMORE STEAM PACKET CO. v. WILLIAMS & CO. AND OTHERS, AND NEW YORK &C. R. CO. v. WILLIAMS & CO. AND OTHERS—Decided at Richmond, March 18, 1897.—*Keith*, P:

1. INJUNCTIONS—*Acquiescence—Dissolution.* Where an injunction has been granted against a defendant, substantially in accordance with his answer, and the order has been acquiesced in by him for several years, and the practice which it was intended to prevent has been abandoned, it is not error to refuse to dissolve it.

2. CHANCERY PRACTICE—*Order for account—When refused.* An order for an account is not awarded to enable a complainant to make out his case, nor until it has been ascertained that the complainant has a right to demand it. A mere charge that the defendant has illegally collected a large sum of the complainant without stating how much in the aggregate, or the particulars of how the sum accrued, especially when denied by the defendant and unsupported by proof, does not entitle the complainant to a decree for an account.

BLANKENSHIP BY &C. v. CHESAPEAKE & OHIO RAILWAY COMPANY—Decided at Richmond, March 25, 1897.—*Buchanan*, J:

1. EVIDENCE—*Refusal to allow a proper question—Harmless error.* Although a trial court may err in refusing to allow a question to be asked and answered, the judgment will not be reversed for this cause where it appears that in a subsequent portion of his testimony the witness did give the information sought, and that no injury resulted to the propounder of the question.

2. EVIDENCE—*Acts of assembly.* The refusal of the trial court to allow an Act of Assembly to be introduced in evidence can work no harm where the court is of opinion that the act is a public act and offers to allow it to be read to the jury as such without such introduction.

3. EVIDENCE—*City ordinance as to speed of trains—Irrelevancy.* An ordinance of a city regulating the running of trains at street crossings is irrelevant where the alleged injury did not occur at a street crossing, and is properly excluded from the evidence.

4. RAILROADS—*Trespassers—Licensees—Place constantly used by the public—Duty of company at such place.* Although there is a recognized distinction between the degree of care which a railroad company owes, under ordinary circumstances, to a trespasser and a licensee, yet where the company knows that its right of way at a certain point is constantly used as a footway by hundreds of men, women and children passing over it daily and at all hours, its servants are charged with notice that it is so used, and whether the persons so using it are trespassers or licensees the railroad company cannot, without fault, proceed in a manner which must necessarily be dangerous to such persons. It is the duty of the company to use rea-